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01/16/2006 MON 13:52 FAX 12489888363 Carlson, Gaskey & Olds

006/009

60,137-188; 115-3711-U

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claim 6 has been amended. Accordingly, claims 1-11 are pending.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The examiner stated that the drawings must show every feature of the invention specified in the claims. While 37 CFR 1.83(a) requires that the features specified in the claims are shown, "conventional features disclosed in the description and the claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation."

Portions of Figures 2A, 2C, and 3B include a generic structure representing a valve. The examiner stated that, upon further review, the illustration of a valve in Figure 2A is acceptable, however, the examiner objected to the valves illustrated in Figures 2C and 3B. Figures 2A, 2C and 3B include similar generic structure representing a valve. Because these figures include similar structures, applicant is unclear how the valve of Figure 2A is acceptable, while the valves of Figures 2C and 3B are objected to. Because valve structures are known in the art, a detailed illustration is not essential for a proper understanding of the invention.

§112 Rejections

Claims 1-11 are rejected under 35 U.S.C. §112 second paragraph as failing to set forth the subject matter which applicant(s) regard as their invention. Applicant respectfully submits that the claims, as amended, are in proper condition according to §112. The valve forms no portion of the invention. Claims 2-11 describe the movement of water through the handles, but do not describe details relating to the valve. Claim 6 has been amended to correct the antecedent basis issue.

Claims 7-11 are rejected under 35 U.S.C. §112 first paragraph as failing to comply with the enablement requirement. Applicant respectfully submits that the claims are in proper condition according to §112. The examiner stated that "it is not clear from Figs. 2C and 3B, or the specification how water is valved in the embodiment of Fig 2C or 3B, claims 7-11." As stated in

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the Applicant's response to the June 28, 2005 Office action, "the valve is known, and forms no portion of the invention." Because the valve forms no portion of the invention, and claims 7-11 do not attempt to claim a valve structure, claims 7-11 are enabled.

§103 Rejections

Claims 1, 2, and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sueur (FR 1.476.080). Applicant does not have a translation of the Sueur reference cited by the examiner, and it is unclear what portions of the reference the examiner is relying on in making the objection. If the examiner seeks to rely on the Sueur reference, "a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection," see MPEP §706.02 II.

The Sueur patent does not have handles that are vertically below the location of a spout. Furthermore, the Sueur patent does not appear to show water being supplied through a water supply line in a central shaft, and the Sueur patent does not illustrate a spout body for mixing heated and cool water.

Instead, Sueur appears to disclose a device for connecting to horizontal supply piping and for directing the supply downward. The examiner admits that "the overall device appears to be intended for connection to horizontal supply piping." The examiner stated that Sueur shows two valves, each having a handle located "between a manifold connecting the valve outputs and a threaded connection for supply." Further, the examiner stated that it would have been obvious to "install the Sueur assembly to the top of a sink, connected to vertical water supply lines," and it would have been obvious to "orient the spout 7 so that the outlet still points down as that is the expected orientation of a faucet outlet." The examiner stated that such an orientation is "very well known."

Reorienting the Sueur device, as the examiner suggests, would place the handles on one side of the manifold 5 and the spout 7 on the other side of the manifold 5. Moreover, the water would shoot outwardly. There would be no value to the orientation.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sueur in view of applicant's disclosure (paragraph 0018). Again, it is unclear what portions of the Sueur reference

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the examiner is relying on in making the objection. If the examiner seeks to rely on the Sueur reference a translation must be provided. The Sueur patent does not illustrate a water supply line leading through a shaft and then extending radially outwardly to said radially outer surface. Instead, the Sueur patent appears to illustrate a spout for redirecting the flow from horizontal pipes in a downward direction.

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sueur in view of applicant's admission of prior art or Stretch et al. It is unclear what portions of the Sueur reference the examiner is relying on in making the objection. Claim 5 states, in part, that "a cap is received on said shaft on a remote side of said spout body from said handle." Cap Q, in the Stretch patent, is not on a remote side of said spout body from said handle. Instead, Cap Q is on the same side of the spout body as the handle.

Claim 7-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sueur in view of Armitage (EP 307 105). It is unclear what portions of the Sueur reference the examiner is relying on in making the objection. Again, the examiner stated that "the overall device appears to be intended for connection to horizontal supply piping." The Armitage reference is not intended for connection to horizontal supply piping. Instead, the Armitage patent is directed towards a mixing tap for a kitchen sink or the like. Armitage includes separate hot and cold water supplies, which are discharged from a common spout. This mixing of the hot and cold water "occurs in the discharged stream or in the sink, bath or basin filled from the valves" (column 1, lines 9-11). In Armitage, no mixing of hot and cold water occurs within the spout.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

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For the reasons set forth above, it is submitted all claims are allowable. An indication of such is solicited.

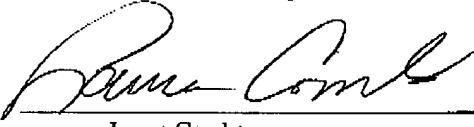
Respectfully submitted,


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Dated: January 16, 2006

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on January 16, 2006.


Laura Combs